

M/027/007

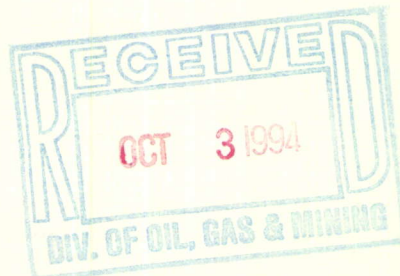
# HADDON, MORGAN & FOREMAN, P.C.

ATTORNEYS-AT-LAW

DOGM  
MINERALS PROGRAM  
FILE COPY

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September 30, 1994

H. Wayne Hedberg  
Permit Supervisor  
Utah Division of Oil, Gas & Mining  
355 West North Temple  
3 Triad Center - Suite 350  
Salt Lake City, Utah 84180-1203

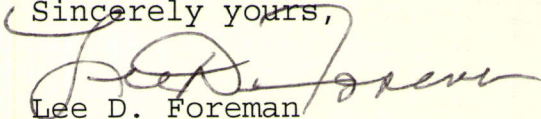
Re: Drum Mine

Dear Mr. Hedberg:

Enclosed is a draft affidavit which I believe accurately reflects the things you told me during our recent telephone conversation and concerning the status of the Drum Mine file. Please look it over and call with any corrections you might have. Because I am a bit uncertain concerning the format of affidavits in Utah, I have also sent a copy to Mike Keller, and once you and I have agreed on the language, I'll have him bring a final over for your signature.

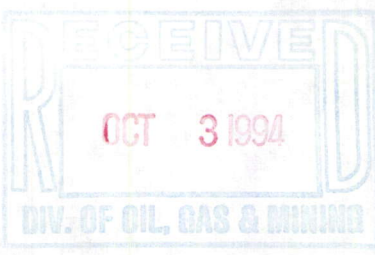
Call once you have reviewed this.

Sincerely yours,

  
Lee D. Foreman

Enclosure: as described  
LDF/bjg





DRAFT  
#1 9/29/94

DISTRICT COURT, COUNTY OF JEFFERSON, STATE OF COLORADO

Case No. 90-CV-3966, Division 9

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**AFFIDAVIT OF H. WAYNE HEDBERG**

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WESTERN STATES MINERALS CORPORATION,  
a Utah corporation,

Plaintiff,

v.

ASOMA (UTAH), INC., a Delaware  
corporation, JUMBO MINING CO., an  
unincorporated association,  
ED B. KING, a/k/a E.B. KING, and  
JANET KING,

Defendants.

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STATE OF UTAH )  
CITY AND COUNTY OF SALT LAKE CITY ) ss.

H. Wayne Hedberg, being duly sworn upon his oath, deposes and  
says:

1. I am the Executive Director of the Utah Division of Oil,  
Gas and Mining, and have held that position since \_\_\_\_\_.  
In my professional capacity, I have become familiar with the Drum  
Mine, and the legal dispute between Western States Minerals  
Corporation and Jumbo Mining Company and ASOMA, concerning which of  
them bore responsibility for the Drum Mine site.

2. On or about June 30, 1994, DOGM received a copy of a  
Colorado court order, which indicated that a Colorado court had  
resolved the legal dispute, and ordered Jumbo and ASOMA to perform



all reclamation at the Drum Mine site required under mining permit M/027/007, and including any topsoil deficiency which existed at that site. On June 30, 1994, James W. Carter, Director of the Utah Division of Oil, Gas and Mining wrote to E.B. King, the president of Jumbo and ASOMA, offering DOGM's assistance on a prioritized basis to assist in the full permit transfer of the Drum Mine to Jumbo and ASOMA.

3. The sole response that DOGM has received from Jumbo and ASOMA is a letter dated July 22, 1994. Mr. King has not contacted DOGM otherwise toward transfer of the Drum Mine permit. There have been no discussions or negotiations concerning a reclamation bond to be posted by Jumbo, sufficient to cover the entire reclamation obligation at the Drum Mine, including topsoil. There has been no action by Jumbo or ASOMA that evidence an intention to comply with the Colorado court's decision that Jumbo and ASOMA fully assume responsibility for reclamation at the Drum Mine site.

Further, the Affiant sayeth naught.

\_\_\_\_\_  
H. Wayne Hedberg

On this \_\_\_\_ day of \_\_\_\_\_, 1994, before me, a Notary Public, personally appeared H. Wayne Hedberg, to me known to be the person who executed the foregoing Affidavit.

Witness my hand and official seal.

My commission expires: \_\_\_\_\_.

\_\_\_\_\_  
Notary Public